

HOUSE BILL REPORT

HB 2073

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to juvenile sentencing alternatives.

Brief Description: Revising juvenile sentencing alternatives.

Sponsors: Representatives Dickerson, Moeller and Chase.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 2/28/05, 3/2/05 [DPS].

<p>Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Changes eligibility for the Mental Health Disposition Alternative.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

Staff: Sonja Hallum (786-7092).

Background:

A juvenile offender who is adjudicated of an offense may be given a sentence by the court based on the statutorily available sentencing options. The majority of the sentences imposed by the juvenile court are standard range sentences. Standard range sentences are calculated based on a grid system using the offender's prior criminal history and the seriousness of the current offense.

If the court finds that a standard range sentence is not appropriate in a specific case the court may impose a statutorily available alternative sentence. In 2003, ESSB 5903 was enacted and created several new sentencing options, including the Mental Health Disposition Alternative (Disposition Alternative).

The Disposition Alternative permits a court to impose a suspended sentence based upon the offender's compliance with mental health treatment. The eligibility requirements for the sentencing alternative are as follows:

- the juvenile must be subject to a standard range sentence of 15 to 65 weeks;
- the offender has a current diagnosis of an axis I psychiatric disorder (excluding a diagnosis solely of a conduct disorder, oppositional defiant disorder, substance abuse disorder, paraphilia, or pedophilia);
- there is an appropriate treatment option available in the community;
- the plan for the offender identifies and addresses requirements for successful participation and completion of the treatment intervention program; and
- the offender, the offender's family, and the community will benefit from the use of the Disposition Alternative based upon assessments and evaluations conducted for the use of the court. The court should also consider the opinion of the victim.

A juvenile offender is ineligible for the Disposition Alternative if he or she is convicted of a sex or violent offense.

If the court imposes the Disposition Alternative, the court will impose a sentence including confinement up to 65 weeks. The court will suspend the sentence, place the juvenile on community supervision for up to one year, require participation in treatment interventions, and impose one or more local sanctions. Local sanctions might include requirements such as up to 30 days of confinement in the detention facility, community service, payment of fines, or probation requirements such as attending school and curfew.

If the juvenile fails to comply with the terms of the Disposition Alternative the court may impose sanctions, or may revoke the Disposition Alternative and impose the original sentence.

Summary of Substitute Bill:

The eligibility requirements for the Disposition Alternative are changed. The requirement that the juvenile offender be subject to a standard range sentence between 15 and 65 weeks is eliminated. A juvenile may now be eligible for the disposition alternative if he or she receives a Juvenile Rehabilitation Administration commitment sentence of any length.

The offenses which are ineligible for the sentencing alternative are changed. An offender who is adjudicated of any of the following offenses is ineligible for the disposition alternative:

- a firearm offense;
- an offense category A+, A, or A- offense, or the attempt, conspiracy, or solicitation to commit a class A+, A or A- offense;
- manslaughter in the First Degree;
- a sex or violent offense; or
- any offense category B+ or B offense when the offense includes the infliction of bodily harm, or if the juvenile was armed with a deadly weapon:
 - assault in the second degree;
 - extortion in the first degree;
 - kidnapping in the second degree;

- robbery in the second degree;
- residential burglary;
- burglary in the second degree;
- drive-by shooting;
- vehicular homicide;
- intimidating a witness;
- violation of the Uniform Controlled Substances Act; and
- manslaughter.

Substitute Bill Compared to Original Bill:

The substitute clarifies which offenses are ineligible for the Disposition Alternative by removing the different age qualifications and the list of offenses that were prohibited. The substitute replaces the list of offenses with a statement that all B+ and B offenses are excluded if they involved bodily injury or a deadly weapon in the offense.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill is designed to expand the eligibility for the Disposition Alternative. It expands the eligibility by allowing more offenses to be eligible so long as they don't involve a deadly weapon or the infliction of bodily harm. It is cost effective to have research-based programs in the community. It saves the state money. The drop in crime rates indicate that these programs are doing well. We can do more under this bill. In 2004, we only used it for five kids, but we can quadruple this number and it would be a significant savings to the state.

Testimony Against: None.

Persons Testifying: Representative Dickerson, prime sponsor; and Bruce Knutson, Washington Association of Juvenile Court Administrators.

Persons Signed In To Testify But Not Testifying: None.